

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EVELYN MCKINLEY,)	
)	Civil Action No. 04-222E
Plaintiff,)	
)	Judge McLaughlin
)	Chief Magistrate Judge
v.)	Susan Paradise Baxter
)	
R. L. BROWNLEE, Acting)	
Secretary of the Army,)	ELECTRONICALLY FILED
)	
Defendant.)	

**DEFENDANT'S MOTION FOR EXTENSION OF TIME
TO FILE REPLY TO PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

AND NOW, comes the Defendant, R. L. Brownlee, Acting Secretary of the Army, by and through his attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Paul D. Kovac, Assistant United States Attorney for said district, and respectfully submits the following Motion requesting a four-day extension of time to file a Reply to Plaintiff's Opposition to Summary Judgment and Additional Statement of Facts. In support of this Motion, Defendant avers as follows:

1. Defendant filed a Summary Judgment Motion and Brief in Support on March 13, 2006. Plaintiff's Opposition was due on April 13, 2006. Defendant's Reply was due 14 days later, or April 27, 2006.

2. Without consulting with undersigned counsel, on April 12, 2006, Plaintiff filed a motion requesting a four-day

extension to file her opposition. In her request, Plaintiff made no mention of correspondingly extending the time for Defendant to file his Reply.

3. On April 13, 2006, this Court granted Plaintiff's extension to file her Opposition no later than April 17, 2006. However, the Order does not extend the time period for Defendant to file his Reply. Accordingly, Defendant's time period to file his Reply has been truncated by four days.

4. Defendant simply requests the restoration of these four days to file a Reply. Thus, Defendant's Reply would be due no later than May 1, 2006.

WHEREFORE, Defendant respectfully requests the Court to grant this Motion and extend the due date for filing Defendant's Reply to no later than May 1, 2006. A proposed Order is attached.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

s/Paul D. Kovac
PAUL D. KOVAC
Assistant U.S. Attorney
U.S. Attorney's Office
700 Grant Street, Suite 4000
Pittsburgh, PA 15219
(412) 894-7489

Dated: April 21, 2006

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of April, 2006, a copy of the foregoing Defendant's Motion for Extension of Time to File Reply to Plaintiff's Opposition to Defendant's Motion for Summary Judgment was electronically filed and/or served by first-class mail, postage-prepaid, on the following:

Neal A. Sanders, Esquire
Counsel for Plaintiff
Law Office of Neal Alan Sanders
1924 North Main Street Extension
Butler, PA 16001

s/Paul D. Kovac
PAUL D. KOVAC
Assistant U.S. Attorney